

Abstract

The present thesis deals with the legal regulation on the carriage of goods. This issue occupies an important role in everyday economic reality. Legal regulation in this field is highly stratified among legal regulations concerning private law, international agreements and partly among legal regulations concerning public law. This thesis mainly covers the regulation contained in the Czech Civil Code and in international conventions.

In addition to the introduction and conclusion, this thesis is divided into five chapters, which are further divided, with the exception of the first chapter, into subchapters. The first chapter, which focuses on historical development and mainly on Roman law, is followed by chapters dealing with particular types of contracts which can be the legal cause for the carriage of goods. These include the following: contract for the carriage of goods, forwarding contract and contract for the operation of a means of transport.

Firstly, these contracts are characterized and then the elements of such contracts are described, as well as the duties and rights of the contracting parties and questions regarding compensation for damage. The thesis also points out the interpretative problems that occur in the regulation of these contracts. The differences between these types of contracts are also dealt with. Furthermore, the legal regulation in the Czech Civil Code is compared to the former legal regulation contained in the Commercial Code. The thesis also deals with the consignment note and the bill of lading. Last but not least, the private law relations with international element are covered as well.

A significant portion of this thesis concerns itself with the international conventions which regulate the carriage of goods. Emphasis is put on the CMR Convention, which regulates the carriage of goods by road. This part is divided into subchapters that contain the characterization of this convention and the scope of its applicability. The follow-up subchapters cover the duty to compensate for damage, the limits of this compensation, notification periods and the jurisdiction of courts. This structure is, with some exceptions, adhered to in the remaining conventions regulating the different modes of transport. The judgements of many different courts are quoted as well.